

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sea Planes, Incorporated (VCC-85) for approval of the expansion of its Certificate of Public Convenience and Necessity to include non-scheduled service to and from all navigable harbors and coves on Catalina Island to and from Marina Del Rey, Avalon and Two Harbors, all of which points are either along existing authorized routes or within a mile or two.

Application 05-06-026
(Filed June 9, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON MOTION FOR PROTECTIVE ORDER**

Sea Planes, Incorporated (Sea Planes) moves for authority to file under seal certain financial terms and conditions of its contract with Kitsap Catamarans, LLC (Kitsap) for the purchase of a new high-speed ferry intended to serve Santa Catalina Island and points on the mainland. The contract has been made available under seal to the Commission and its staff. A redacted copy deleting certain terms of the agreement has been made available to the public.

Pacific Adventure Cruises, Inc. (Pacific), which has protested the Sea Planes application, on August 8, 2005 filed in opposition to the motion for confidentiality, contending that the cost and fee structure of the transaction are pertinent to Sea Planes' financial fitness. In a reply to the opposition dated August 15, 2005, Sea Planes argues that it is bound by a confidentiality provision with the vessel's manufacturer, and that the redacted copy of the contract rebuts Pacific's inference questioning whether such a contract exists.

Sea Planes states that the redacted information is commercially sensitive and that Sea Planes could be harmed if such terms of the purchase agreement were released to the public. Sea Planes has created a public version of the agreement that does not include the cost and fee structure information. All other information is made public in the redacted version of the agreement.

Pacific has failed to show a public need for disclosure of the redacted pricing information in the purchase agreement. The motion of Sea Planes states grounds for a protective order under Pub. Util. Code § 583 and General Order 66-C and authority there cited. A public hearing on the motion is unnecessary.

Good cause appearing, **IT IS RULED** that:

1. The motion of Sea Planes, Incorporated (Sea Planes) for a protective order is granted to the extent set forth below.

2. The redacted portions of purchase agreement between Sea Planes and Kitsap Catamarans, LLC, in the above-referenced application shall remain under seal for a period of two years from the date of this ruling, and during that period shall not be made accessible or disclosed to anyone other than Commission staff except (1) on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge (which order shall only be entered after notice to applicants and an opportunity to be heard), or (2) upon execution of an appropriate nondisclosure agreement by the party to whom disclosure is made.

3. If Sea Planes believes that further protection of this information is needed after two years, Sea Planes may file a motion stating the justification for further withholding the information from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order.

4. The opposition of Pacific Adventure Cruises, Inc. to the motion for leave to file under seal is denied

Dated August 30, 2005, at San Francisco, California.

/s/ GLEN WALKER
Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion for Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated August 30, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

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